

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **In Re Temple Trust**
Docket No. **273911**
L.C. No. **04-025529-TV**

E. Thomas Fitzgerald, Judge, acting under MCR 7.211(E)(2), orders:

The motion for immediate consideration is GRANTED.

The motion to strike is GRANTED. The record on appeal consists of the documents filed, testimony taken, and exhibits filed, or offered but excluded, in the trial court. MCR 7.210(A)(1) & (3). Thus, Exhibits E, F, H, K, and M, and any references to those exhibits, are stricken from appellees' brief. In addition, appellees' opinions and other statements that cannot be supported by the trial court record are stricken.

Appellees may file an amended brief that excludes statements not supported by the record within 21 days of the certification of this order. Facts and reasonable inferences that can be supported by the trial testimony and other record documents may be discussed. Appellant had a duty to serve the transcript of all testimony on appellees, as well as any portion of the trial court record not already in appellees' possession. MCR 7.210(F). Therefore, appellees should reference those items in their brief.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 13 2007

Date

Sandra Schultz Mengel
Chief Clerk